

AFFIDAVIT

I, Michael Nagle, Special Agent, Food and Drug Administration (“FDA”), being duly sworn, depose and state as follows:

I. INTRODUCTION

1. I am a Special Agent with the U.S. Food and Drug Administration, Office of Criminal Investigations (“FDA OCI”), assigned to the Boston Resident Office in Wakefield, MA. As such, I am authorized to conduct criminal investigations, make arrests, and execute search and arrest warrants for offenses in violation of the Federal Food, Drug, and Cosmetic Act (“FDCA”), Title 21, United States Code, Section 301 *et seq.* and related violations of Titles 18 and 21 of the United States Code.

2. I have been a federal law enforcement officer since September 2011, and was previously employed as a Special Agent with Homeland Security Investigations (HSI). I have been a Special Agent with FDA OCI since April 2017. I have completed the Special Agent Training Program at the Federal Law Enforcement Training Center, and several specialized FDA OCI Food, Drug and Tobacco Training Programs which covered various legal aspects of criminal enforcement of the FDCA related to the sales of unapproved, misbranded, and adulterated drugs. I have been the affiant for numerous search warrants and criminal complaints, and have conducted numerous investigations regarding violations of Titles 18 and 21 of the United States Code.

3. As detailed below, there is probable cause to believe that in or about January 2018, SAMIR DOSHI conspired with others known and unknown to distribute Tramadol, a schedule IV controlled substance, in violation of 21 U.S.C. §§ 841(a) and 846.

4. I am familiar with the facts and circumstances of this investigation based on my discussion with other law enforcement agents, particularly FDA Special Agent Nicholas Call, as

well as my review of records, recordings, and reports relating to the investigation. I have discussed the information contained in this Affidavit with SA Call.

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included details of every aspect of the investigation nor have I included all the details of other investigations known to me.

II. PROBABLE CAUSE

A. Investigation into PharmacyAffiliates.org

6. Since approximately March 20, 2017, the FDA Office of Criminal Investigations (FDA OCI) has been investigating an internet pharmacy network known to FDA OCI as PharmacyAffiliates.org. The network consists of approximately thirty websites involved in the illegal importation and distribution of drugs into the United States from India and other foreign countries that are misbranded and/or not approved for sale or use in the United States.

7. On September 27, 2017, SA Call received an intelligence report from FDA OCI Cybercrimes Unit regarding the PharmacyAffiliates.org network. The report contained an analysis of the network by a private company, LegitScript.com (“LegitScript”). LegitScript is an internet pharmacy verification company that provides both verification services for legitimate online pharmacies, and tracks illegal online pharmacy websites and “networks.” Online pharmacy networks are a group of websites that are owned and controlled by either a single individual or company, or which are controlled through affiliates that are owned by distinct individuals, but which have common network components or order fulfillment logistics. FDA OCI has contracted with LegitScript to provide online pharmacy website and network analysis for investigations involving online pharmacies.

8. Based upon LegitScript’s research of historical domain name registrant information and open sourced business information, LegitScript identified an individual named

Samir DOSHI who was purported to be one of the principals of the PharmacyAffiliates.org network. Samir DOSHI is the registrant of amorgroups.net, one of the domains within the PharmacyAffiliates.org network.

9. Legitscript also identified Samir DOSHI as the director of Global Fusion Private, Ltd., a business registered in India. SA Call reviewed the business registration details for Global Fusion Private, Ltd. from the publicly available website zaubacorp.com which listed DOSHI's email address as: dsamir14@gmail.com, and Samir DOSHI as the Director and the trademark applicant of the word "AMOR," for use in businesses related to pharmaceuticals. Zaubacorp.com purports to be India's leading provider in commercial information involving businesses.

B. January 3, 2018 Controlled Purchase

10. On January 3, 2018, SA Call made a purchase of Arimidex¹ 50 pills of 1 mg and Tramadol 40 pills of 100 mg from the PharmacyAffiliates.org website, www.mypillrx.com. SA Call was not asked to, nor did he provide a prescription to complete the purchase of these prescription drugs. On the same day, SA Call received a confirmation email from support@mypillrx.com which was traced back to a mail exchange server maintained by Google LLC. On January 5, 2018, SA Call received an email from care@mypillrx.com documenting a purchase of the Arimidex and Tramadol for \$194.00. The email documented that the parcel was shipped via EMS tracking number EA733921655IN to an address in Burlington, Vermont as requested in the order.

¹ Based upon my knowledge and my review of FDA approved drug information, I am aware that Arimidex is a prescription drug.

11. On April 13, 2018, SA Call applied for and obtained a search warrant for the domain account www.mypillrx.com, and seven related email addresses maintained and controlled by Google LLC. During SA Call's review of information obtained in response to that search warrant, SA Call located an email dated January 4, 2018 from piyesh.saxena2008@gmail.com sent to globalfusion15@gmail.com which was titled "cc 04 jan". Attached to that email was a spreadsheet that contained a row that showed information related to the January 3, 2018 controlled purchase, including the tracking number EA733921655IN, the undercover name, Vermont address, and credit card number provided to the website www.mypillrx.com by FDA OCI agents. As outlined above, Global Fusion Private, Ltd. is a business registered in India, and public databases list Samir DOSHI as the director of this business.

12. During SA Call's review of the information obtained from the www.mypillrx.com search warrant, SA Call also located an email dated January 5, 2018 from globalfusion15@gmail.com sent to piyesh.saxena2008@gmail.com titled "PENDING CC TRAKCING". Attached was a spreadsheet documenting information related to the January 3, 2018 controlled purchase. The spreadsheet contained a row that showed tracking number EA733921655IN associated with the undercover name, Vermont address, and credit card number provided to the website www.mypillrx.com by FDA OCI agents.

13. On January 31, 2018, SA Call obtained the international mail parcel with the tracking number EA733921655IN at a Burlington, Vermont post office. The parcel was stamped with the company name Alex Impex LLP in Mumbai, India, and contained four blister packs with ten tablets (40 total pills). The blister packs were labeled "Tramadol Hydrochloride Tablets" with the trade name "OL - TRAM Tablets 100mg". The parcel also contained five

blister packs with ten tablets (50 total pills). These blister packs were labeled “Anastrozole Tablets P 1mg” with the trade name “Express” (based on FDA drug information, I am aware that Anastrozole is the generic name for Arimidex). SA Call reviewed the FDA’s drug database and determined that neither one of the drugs were approved for marketing within the United States. SA Call also determined that all approved drugs containing the active ingredients were listed as prescription only, thus requiring a valid prescription provided by a licensed medical professional.

14. On April 13, 2018, SA Call received an analysis report from the FDA’s forensic laboratory regarding the Tramadol tablets and Anastrozole tablets. The report concluded that both samples were consistent with the presence of the active ingredient listed.

15. During SA Call’s review of the information obtained from the www.mypillrx.com search warrant, SA Call located an email dated February 2, 2018 from globalfusion15@gmail.com to piyesh.saxena2008@gmail.com titled “FINAL DECEMBER PAYOUT REPORT”. The email stated, “HELLO, just to inform you payment of CC has been made till last updated file which is 31st Jan 2018”. The email contained a spreadsheet with data associated with the controlled purchase on January 3, 2018. The spreadsheet also listed a “net payout” of 43,874.05 and a “till date payment given” of 4,330,316.00.²

C. Samir DOSHI’s Relationship to PharmacyAffiliates.org

16. SA Call has also learned the following information from reviewing records produced by Google LLC in response to the www.mypillrx.com search warrant. The response contained approximately 575,388 records consisting of emails, PDF files, images, videos, and other supporting documents. The google records documented that the email address

² The fiat currency of the monetary figures quoted above is not indicated in the spreadsheet. However, the controlled purchase amount is consistent with U.S. dollars. As such, I believe the amount to correspond to U.S. dollars.

piyush.saxena2008@gmail.com was listed as a contact email for www.mypillrx.com, and the recovery email³ for mypillrx.com@gmail.com.

17. During SA Call's review of the records, SA Call identified an email from dsamir14@gmail.com to piyush.saxena2008@gmail.com with the subject line "COD PROCESSING IN DETAILS". The display name⁴ associated with dsamir14@gmail.com was Samir DOSHI. The email was signed, "Regards, Samir". The body of the email contained detailed instructions on how to process cash-on-delivery (COD) deliveries for prescription drugs to US customers shipped via United States Postal Service (USPS).

18. SA Call also identified an email dated September 26, 2015 from globalfusion15@gmail.com to piyush.saxena2008@gmail.com with the subject line "PROCESSING REPORT". The body of the email stated, "HELLO, NOW ONWARDS KINDLY USE THIS EMAIL ADDRESS FOR WORK. REGARDS SAMIR".

19. SA Call also identified an email from piyush.saxena2008@gmail.com to dsamir14@gmail.com dated October 16, 2015. The display name associated with dsamir14@gmail.com was Samir DOSHI. The email's subject line was "Urgent New orders for Processing". The email stated, "Dear Samir, please find today new orders for processing. Please process USA orders with USA Merchant...". The email contained an attachment with 70 orders of prescription drugs for sale to United States customers. Based upon SA Call's experience and

³ Based on my training and experience, I know a recovery email address to be a method used by Google to assist account holders with regaining access to their accounts in the event of a forgotten password or lock-out from the account. Google encourages users to list as a recovery address an email address that the account holder regularly uses.

⁴ Based on my training and experience, I know that a display name typically is a name associated with an email address that appears on an email when a user sends an email.

research into the drugs identified during this investigation, many of the prescription drugs listed on the attachment contain controlled substances, and all of them require a valid prescription.

20. SA Call also identified another email dated January 28, 2016 from globalfusion15@gmail.com to piyush.saxena2008@gmail.com. The subject line of the email was “TRACKING.” The body of the email stated, “TRAM BULK SHIPPING STUCK IN USA CUSTOMS LEO TRACKING”. Based on SA Call’s knowledge and experience, and based on his review of the documents received from Google LLC, SA Call believes that this email refers to a bulk shipment of the drug Tramadol that resulted from orders from the website www.leopharmarx.com, a PharmacyAffiliates.org domain.

21. SA Call also identified an email dated May 20, 2016 from globalfusion15@gmail.com to piyush.saxena2008@gmail.com that stated, “Hello, Our business runs on trust & if people do not trust we cannot continue bizz. When we met first time I fwd you sales file format & the same I wanted. Yes there was an issue in between from my side which I agreed & accepted & paid losts of \$ as penalty but after that there was no complain from my side...” Attached to the email was a spreadsheet containing 19 orders of drugs purported to contain schedule IV active ingredients to customers in the United States, totaling 3,290 pills.

22. SA Call also identified an email dated March 8, 2017 from piyush.saxena2008@gmail.com to dsamir14@gmail.com with the subject “USA Merchant file for fulfillslife 8Mar”. Attached to the email was a file named “Samir sale as on 08.03.2016 2ND BATCH”. The spreadsheet appeared to document 40 sales of prescription drugs to United States customers.

23. SA Call also identified an email from piyush.saxena2008@gmail.com to dsamir14@gmail.com on February 21, 2017 with the subject “Funds transfer Details for USA”.

The display name associated with dsamir14@gmail.com was Samir DOSHI. The email listed wire details for the Wells Fargo Bank account number 1366038576. The beneficiary name was listed as Logic Volt Inc. SA Call reviewed bank records for Wells Fargo Bank account number 1366038576 and identified five wire transfers from November 17, 2017 to June 14, 2018 from “Doshi” totaling \$14,550.00.

24. SA Call also identified several emails from piyush.saxena2008@gmail.com to globalfusion15@gmail.com with titles such as “cod 13 april” and “CC TRACKING OF 10TH & 20TH”. For example, an email dated April 12, 2018 from piyush.saxena2008@gmail.com to globalfusion15@gmail.com contained a Microsoft Excel spreadsheet titled “cod 13 april”. The spreadsheet appeared to document approximately 76 sales of prescription drugs to United States customers totaling approximately 22,790 pills. Another email from globalfusion15@gmail.com to piyush.saxena2008@gmail.com dated February 23, 2018 contained a spreadsheet titled “LEO CC AS ON 20.02.2018”. The spreadsheet documented 17 orders for prescription drugs to United States customers totaling \$2,319.00.

25. SA Call also identified an email dated November 6, 2017 from mypillrx.com@gmail.com to Piyush.saxena2008@gmail.com. The email was titled “Hi”. The email contained a photograph as an attachment. SA Call identified the attachment as a photograph of a United States B1/B2 Visa for Samir DOSHI with a date of birth of February 14, 1983 that was issued on February 7, 2017.

26. On August 20, 2018, SA Call reviewed travel records for Samir DOSHI and identified that he traveled to Austin, Texas on July 30, 2018 with the Indian passport number J4315373. Customs and Border Protection (CBP) sent DOSHI to secondary inspection where he informed the officers that he was traveling to Texas and Las Vegas, Nevada to visit friends.

27. On August 21, 2018, SA Call received information from CBP Officer Clark Pomeroy located at the Austin, Texas international airport. Officer Pomeroy stated that during entry into the United States, Samir DOSHI provided an email address of dsamir14@gmail.com and primary phone number of 902-800-8844 as part of his visa application.

28. On August 20, 2018, SA Call reviewed web analytics for the email address dsamir14@gmail.com from the law enforcement database CLEAR. The information identified Samir DOSHI and the business name “Amor” as operators of the email address. SA Call also reviewed information from Domaintools.com which identified the phone number 902-800-8844 as the contact number for Samir DOSHI. Domaintools.com is a subscription website that uses proprietary software to collect domain information from the around the internet. The information also documented that DOSHI was a historical registrar of www.amorgroups.net, a PharmacyAffiliates.org website.

29. On August 22, 2018, SA Call queried Samir DOSHI through the Vermont medical board for any licenses held in the State of Vermont. The query came back with zero results. Also on August 22, 2018, Drug Enforcement Administration (DEA) Diversion Investigator (DI) Christopher Paquette conducted a query of the DEA Registration Database for the name Samir DOSHI, date of birth 02-14-1983. This query revealed no current or active DEA Registrations issued in this name and date of birth.

30. Also on August 22, 2018, SA Call queried mypillrx.com and leopharmarx.com through the LegitScript online tool for online pharmacy legitimacy checks. The results stated that mypillrx.com and leopharmarx.com were “rogue” online pharmacies. LegistScript defines “rogue pharmacy” as: “[a]n Internet pharmacy is rogue if it qualifies as unapproved and [t]he sale, prescribing or dispensing of prescription or other drugs reasonably appears to intentionally

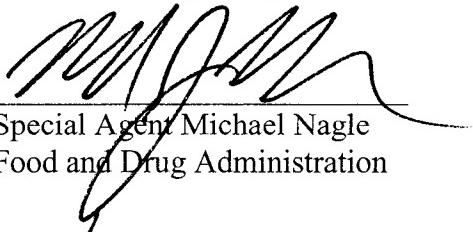
or knowingly violate, facilitate the violation of, or offer to facilitate the violation of applicable laws or regulations, defined as the laws and regulations where the drugs are dispensed from or where they are offered to be shipped to; [d]oes not adhere to accepted standards of medical and/or pharmacy practice, including standards of safety; and/or [e]ngages in fraudulent or deceptive business practices.”

III. CONCLUSION

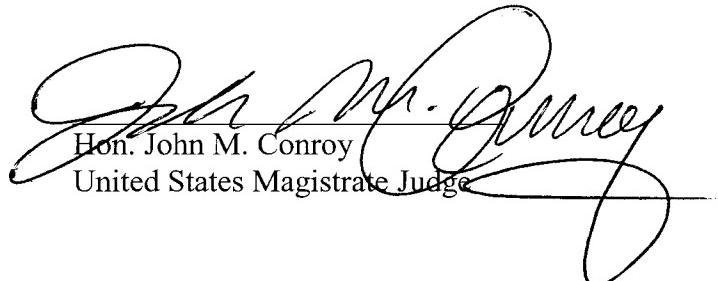
31. Based on the above information, I believe that Samir DOSHI is the user of both the dsamir14@gmail.com and globalfusion15@gmail.com email accounts. Further, I believe that Samir DOSHI is utilizing these accounts to correspond with the user of the piyush.saxena2008@gmail.com email account for the purpose of coordinating the unlawful distribution of controlled substances, including the controlled purchase of Tramadol on January 3, 2018.

32. For these reasons, I believe that probable cause exists that in or about January 2018, SAMIR DOSHI conspired to distribute Tramadol, a schedule IV controlled substance, in violation of 21 U.S.C. §§ 841(a) and 846.

Dated at Burlington, in the District of Vermont, on August 22, 2018.


Special Agent Michael Nagle
Food and Drug Administration

Sworn and subscribed before me on August 22, 2018.


Hon. John M. Conroy
United States Magistrate Judge